


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 2226 Garrison Boulevard		

TO Mr. David Tanner, Executive Director
Board of Municipal and Zoning Appeals
417 East Fayette Street, 14th Floor

DATE: November 2, 2011

REQUEST

The Department of Planning has received Clifton Addison's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Lawrence and Janet Zumo, to use the premises for 4 dwelling units (one in the basement, one each on the three floors above that). We understand that this appeal is scheduled for hearing on November 22, 2011.

SITE

2226 Garrison Boulevard is located on the west side of the street, approximately 175' south of the intersection with Gwynns Falls Parkway. This property measures approximately 100'6" by 140' and is currently improved with a two-story-plus-attic detached residential building measuring approximately 33' by 37'. This site is zoned R-5.

ANALYSIS

Use: In this zoning district, multiple-family detached dwellings are listed as a conditional use, and so may be allowed if being newly constructed (§4-703). In this case, the property was last authorized for use as a multiple-family detached dwelling, which is a permitted use in this R-5 General Residence District, by the Board's decision in appeal 1048-06X. That decision noted that the previously-approved use of the property was for three dwelling units, granted by the Board in 2002. The applicant has stated that the Use and Occupancy permit for the four dwelling units approved in 2007 was not obtained by the current owners when they purchased this property in 2009, and the Board determined that their request for an extension of time to obtain the permit was disapproved as stated in the Board's letter of August 17, 2011.

Conversion of Dwellings: In all districts except the R-2, R-4, R-5, and R-6 Districts, the Board may authorize, as a conditional use, the conversion of a building for use by more than one family, as long as the number of families permitted conforms with the applicable bulk regulations for the district in which the building is located (§3-305.b.1). In this case, for four dwelling units, 5,250 square feet of lot area is required; the lot encloses over 14,000 square feet, and thus meets this requirement.

Comprehensive Planning: The Department of Planning typically will only support one dwelling unit per floor, and normally does not support units in basements. The Baltimore City Comprehensive Master Plan: LIVE, EARN, PLAY, LEARN calls for better land use and urban design standards in order to improve the neighborhoods in our City. To further encourage the excessive conversion of residences, or to maintain properties in a nonconforming status, is inconsistent with these goals. This structure was originally built as a large single-family detached dwelling, without a habitable basement. If there are no windows

in the basement that could satisfy emergency accessibility requirements for bedrooms, the basement unit proposed would not be approvable.

Off-Street Parking: ... if the intensity in use of a structure or premises is increased through the addition of dwelling, efficiency, or rooming units, floor area, seating capacity, or other units of measurement, off-street parking facilities must be provided for that increased intensity, as required by this title (§10-202.a). If the structure was lawfully erected before April 20, 1971, additional off-street parking facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use (§10-203.b). In this zoning district, multiple-family attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For four dwelling units, four parking spaces are required; two are provided.

Off-Street Parking Variance: ... the Board may grant a variance to reduce by no more than 75% the number of off-street parking spaces otherwise required by the applicable regulation (§15-208.b). In this case the reduction proposed is 50%, which is within the variable amount the Board may authorize.

RECOMMENDATION

The Department of Planning recommends disapproval of the appeal for the fourth dwelling unit in the basement of the premises. The Department has no objection to approval of continuation of three dwelling units in the premises, one per floor of the existing structure.

TJS/wya/mf

cc: Clifton Addison, Appellant